

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**IN RE: BP p.l.c.
SECURITIES LITIGATION**

§ § 87(2)(b), 87(4-b)

MDL No. 10-md-2185

**OHIO PUBLIC EMPLOYEES
RETIREMENT SYSTEM et al.**

Civ. Act. No. 4:12-cv-1837

V.

HON. KEITH P. ELLISON

BP P.L.C. et al.

ORDER

Plaintiffs have moved to remand this case to the Court of Common Pleas of Cuyahoga County, Ohio. A hearing has been scheduled for September 14, 2012 at 1 p.m. to hear arguments regarding Plaintiffs' motion. The parties should be prepared to address the following questions at the hearing:

1. If Plaintiffs' claims are within the jurisdictional grant of 43 U.S.C. § 1349(b)(1), are they also subject to the substantive law provision of 43 U.S.C. § 1333(a)(2)(A)?¹

2. Has any court applied a “but for” jurisdictional test under 43 U.S.C. § 1349(b)(1) to a claim not involving personal injury or property damage occurring on the Outer Continental Shelf or directly caused by operations conducted on the Outer Continental Shelf?²

3. If Plaintiffs' claims regarding even one allegedly misleading statement fall within the jurisdictional grant of 43 U.S.C. § 1349(b)(1), what authority justifies remand on the basis

¹ Question is addressed primarily to Defendants.

² Question is addressed primarily to Defendants.

that other allegedly misleading statements do not fall within the jurisdictional grant?³

The parties are permitted, but are not required, to submit additional briefing on these questions prior to the hearing. Any such briefing may not be longer than 10 pages and must be filed with the Court by September 11, 2012 at 9:00 a.m. If Defendants decide to brief the above questions, they are encouraged but not required to file a single consolidated brief in both this case and *State of Oregon v. BP P.L.C. et al.* (12-cv-1836).⁴

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 4th day of September, 2012.



KEITH R. ELLISON
UNITED STATES DISTRICT JUDGE

³ Question is addressed primarily to Plaintiffs.

⁴ The plaintiff in 12-cv-1836 has also moved for remand. The overlap between the two motions for remand is substantial, and the Court will entertain arguments regarding both at the September 14, 2012 hearing.